

Message Text

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11

ACTION OES-06

INFO OCT-01 EUR-12 ISO-00 FEA-01 ACDA-10 CIAE-00 INR-07
IO-13 L-03 NSAE-00 NSC-05 EB-07 NRC-07 DODE-00 /072 W
----- 074494

P R 101026Z DEC 76
FM AMEMBASSY BONN
TO ERDA WASHDC PRIORITY
ERDA GERMANTOWN
INFO SECSTATE WASHDC 3988

UNCLAS SECTION 01 OF 02 BONN 20762

E.O. 11652: N/A
TAGS: TECH, ENRG, GW
SUBJ: FRG-US AGREEMENT FOR COOPERATION IN GAS-COOLED
REACTORS

REF: VENER/MCDONOUGH TELCON, DEC. 9

1. AS NOTED IN REF TELCON, MATTHOEFER, FRG MINISTER
FOR RESEARCH AND TECHNOLOGY, WISHES TO SIGN SUBJECT
AGREEMENT IN CY 1976, IF POSSIBLE. REQUEST AUTHORI-
ZATION FOR AMBASSADOR TO SIGN AGREEMENT ON BEHALF OF
ERDA.

2. FOLLOWING IS TEXT OF DECEMBER 9 LETTER FROM LOOSCH
TO HELFRICH, ERDA. WOULD APPRECIATE ERDA COMMENTS
AND FINAL TEXT OF APPROVED AGREEMENT ASAP.

3. BEGIN TEXT:

DEAR MR. HELFRICH,

WITH REFERENCE TO YOUR LETTER OF 19 NOVEMBER 1976, I
SHOULD LIKE TO INFORM YOU THAT, WITH THE EXCEPTION F
PARAGRAPH 3 OF ARTICLE 10, WE NOW AGREE WITH THE TEXT
OF THE PROPOSED ERDA-BMFT-AGREEMENT IN THE FIELD OF
GAS-COOLED REACTOR CONCEPTS AND TECHNOLOGY TOGETHER
WITH THE INTERPRETATIONS AND EXPLANATIONS CONTAINED
IN MY LETTER OF 12 NOVEMBER 1976 (ADDRESSED TO THE
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ATTENTION OF MR. DENNY) AS WELL AS IN YOUR LETTER

CITED ABOVE.

IN OUR DISCUSSION ON 20 OCTOBER 1976, THE DELETION OF THE PHRASE "AND ERDA FOREGOES TOWARDS THE BMFT MAKING CLAIMS ARISING FROM THE US ATOMIC ENERGY ACT OF 1954 AS AMENDED" AT THE END OF ARTICLE 10 HAD NOT BEEN RAISED. CONSEQUENTLY, I HAD BEEN UNDER THE IMPRESSION THAT ARTICLE 10, PARAGRAPH 3, WOULD REMAIN AS IT STOOD IN THE 8 OCTOBER 1976 VERSION OF THE DRAFT. THIS WOULD PROVIDE FOR A BALANCE IN THE FINAL CLAUSES OF THAT PARAGRAPH, A BALANCE THAT COULD ALSO BE RE-ESTABLISHED BY DELETING BOTH THE PHRASE QUOTED ABOVE AND THE PRECEDING PART READING "AND BMFT ASSUMES THE OBLIGATION ... OF ERDA". ON THE OTHER HAND, I COULD IMAGINE THAT YOUR PROPOSAL TO DELETE ONLY THE MEMBER OF THE PHRASE "AND ERDA FOREGOES ... AS AMENDED" IS MEANT TO SIMPLIFY THE TEXT BY NOT REPEATING WHAT WOULD FOLLOW ANYWAY FROM THE MUTUAL WAIVER BETWEEN ERDA AND BMFT ALREADY COVERED BY THE FIRST PART OF PARAGRAPH 3 OF ARTICLE 10.

TO SUM UP I SHOULD PREFER EITHER (UNDERLINED) THE INTEGRAL TEXT OF PARAGRAPH 3 AS IT STOOD BEFORE OR (UNDERLINED) THE DELETION OF EVERYTHING FROM "AND BMFT ASSUMES ..." ON. IF YOU SHOULD NOT FIND EITHER OF THESE ALTERNATIVES TO BE ACCEPTABLE, I SHOULD ALSO BE WILLING TO ACCEPT, RELUCTANTLY, THE PROPOSAL CON-

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TO ERDA WASHDC PRIORITY

ERDA GERMANTOWN

INFO SECSTATE WASHDC 3989

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TAINED IN YOUR LETTER, IT BEING UNDERSTOOD THAT THIS WOULD BE DONE IN VIEW OF OUR INTENTION TO CONCLUDE OUR ALREADY FAIRLY LENGTHLY DISCUSSIONS ON THE AGREEMENT SOON AND SUCCESSFULLY, AND THAT OUR ACCEPTANCE OF THAT SOLUTION FOR ARTICLE 10, PARAGRAPH 3, AS WELL AS A SIMILAR SOLUTION IN OUR AGREEMENT ON WASTE MANAGEMENT R AND D SHOULD NOT BE CONSIDERED AS PRECEDENTS FOR POSSIBLE FUTURE AGREEMENTS BETWEEN ERDA AND BMFT.

AS TO THE PROCEDURE, I SHOULD LIKE TO PROPOSE THAT THE AGREEMENT BE SIGNED IN BONN BY OUR AMBASSADOR AND MY MINISTER AS SOON AS THE PROCEDURE UNDER ARTICLE 103 OF THE EURATOM TREATY IS TERMINATED WHICH IS TO BE EXPECTED AROUND 20 DECEMBER 1976.

IF YOU AGREE BOTH TO SUBSTANCE AND TO PROCEDURE I SHOULD LIKE TO ASK YOU TO SOLICIT THE STATE DEPARTMENT'S HELP IN FINALIZING THE TEXT IN BOTH LANGUAGES TOGETHER WITH OUR FOREIGN OFFICE WITH WHICH WE WILL ARRANGE ACCORDINGLY. FURTHERMORE, I SHALL CONTACT THE AMERICAN EMBASSY IN BONN ON THE ARRANGEMENTS FOR SIGNING THE AGREEMENT.

FINALLY, I SHOULD LIKE TO PROPOSE THAT WE CONSIDER THE PRESENT LETTER TOGETHER WITH YOUR LETTER OF 19 UNCLASSIFIED

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NOVEMBER AND MY LETTER OF 12 NOVEMBER AS SIDE LETTERS TO THE AGREEMENT TO BE CONCLUDED.

SINCERELY YOURS,
S/R. LOOSCH. END OF TEXT.

STOESSEL

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